

VIA E-MAIL



February 12, 2016

Mr. Edward Hasbrouck
The Identity Project
1736 Franklin Street
9th Floor
Oakland, CA 94612

Re: Freedom of Information Act Request – Interim Response #5
Tracking Number: 15-FOI-00021

Dear Mr. Hasbrouck:

We are further responding to your October 29, 2014 request for information made under the Freedom of Information Act (FOIA), which was received via e-mail by Amtrak's FOIA Office on the same date.

Your request seeks the records described below:

- (1) Any records of policies, procedures, technical specifications, contracts (including agency appointment agreements), or directives to staff, contractors, or agents pertaining to transfers of data about Amtrak passengers or customers to the Department of Homeland Security (DHS), any DHS component including US Customs and Border Protection (USCBP), the Canadian Border Services Agency (CBSA), any other Canadian government agency, or any other foreign government, or the subsequent handling or use of such data, including without limitation Advanced Passenger Information (API) and any personally identifiable data obtained or derived from the ARROW reservation system.
- (2) Any records pertaining to the legal basis for such data transfers, including any e-mail messages pertaining to this subject within or between Amtrak, Amtrak agents, Amtrak contractors, and any third party or parties.
- (3) Any records of policies, procedures, technical specifications, contracts (including agency appointment agreements), or directives to staff, contractors, or agents (including without limitation travel agencies and agents authorized to sell Amtrak tickets, and other ARROW users) regarding disclosures to be made concerning transfers of data about Amtrak passengers or customers to government agencies including DHS.
- (4) Any records of policies, procedures, reports, or directives to staff, contractors, or agents (including without limitation travel agencies and agents authorized to sell Amtrak tickets, and other ARROW users) regarding compliance with the Personal Information Protection and Electronic Documents Act (PIPEDA) of Canada, including handling of requests for records or other requests or complaints made pursuant to PIPEDA and any disclosures to be made to passengers or customers.
- (5) Any e-mail messages within or between Amtrak and Amtrak agents, Amtrak contractors, and any third party or parties containing any of the text strings "Personal Information Protection and Electronic Documents Act", "PIPEDA", or "Privacy Commissioner of Canada".

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- (6) Any electronic file in which any of the above records are included.
- (7) All metadata pertaining to any such file, such as file system information indicating the creation data, modification date, etc.

We are continuing to review and process records responsive to your request. Please find attached records determined to be responsive to your request.

The names and personal identifying information of Amtrak, Department of Homeland Security (DHS) employees, passengers and other individuals have been redacted from the enclosed records pursuant to exemption 6 of the FOIA on the basis that disclosure would constitute a clearly unwarranted invasion of the personal privacy of these individuals. In weighing the public interest, it was determined that there was no public interest in disclosing this information.

In reviewing records, there were several records that contained information that was not relevant to your request. This information has been redacted and marked as "Non-responsive."¹ All segregable portions have been disclosed.

Pursuant to Amtrak's FOIA regulations (49 CFR 701.10), if you wish to appeal the decision to withhold the above-mentioned information, you may file an appeal with Eleanor D. Acheson, Executive Vice President, Chief Legal Officer, General Counsel and Corporate Secretary, within thirty days (30) of the date of this letter, specifying the relevant facts and the basis for your appeal. Your appeal may be sent to Ms. Acheson at the above address. The President and CEO of Amtrak have delegated authority to the General Counsel and Corporate Secretary for the rules and compliance to the FOIA. If you decide to appeal, you may delay your appeal until you have received the final response to your request.

We are working through our backlog of requests. You may anticipate your next response in approximately 6 weeks.

If you have any questions regarding the processing of your request, please feel free to contact me at (202) 906-3741 or via e-mail at Hawkins@amtrak.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharron Hawkins", with a long horizontal flourish extending to the right.

Sharron Hawkins
Lead FOIA Specialist

Attachments

¹ U.S. Department of Justice FOIA Guide, "Courts have held that agencies responding to FOIA requests need not process and disclose non-responsive records or non-responsive portions of otherwise responsive records."